



South Carolina House of Representatives

Legislative Update

ROBERT W. HARRELL, JR., Speaker of the House

Vol. 29

January 10, 2012

No. 01

CONTENTS

PREFILED BILLS INTRODUCED IN THE HOUSE 02

**Agriculture, Natural Resources and
Environmental Affairs 02**

Education and Public Works 02

Judiciary 05

Labor, Commerce and Industry 15

**Medical, Military, Public and
Municipal Affairs 17**

Ways and Means 17

NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

PREFILED BILLS INTRODUCED

**OFFICE OF RESEARCH AND CONSTITUENT SERVICES
Room 212, Blatt Building, P.O. Box 11867, Columbia, S.C. 29211, (803) 734-3230**

IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4434 *PENDLETON DISTRICT HISTORICAL AND RECREATIONAL COMMISSION OF ANDERSON, OCONEE, AND PICKENS* Rep. White

The bill changes the name of the Pendleton District Agricultural Museum to the "Bart Garrison Agricultural Museum of South Carolina". The Pendleton District Historical and Recreational Commission shall erect appropriate markers and signs reflecting the change.

H.4475 *EQUINE LIABILITY IMMUNITY* Rep. Young

The bill adds riding trails as an equine activity. In addition, the bill also requires warning signs regarding liability to be posted at the entrance of riding trails maintained by equine professionals and equine activity sponsors.

H.4482 *GEORGRAPHICAL BOUNDARIES OF CERTAIN BODIES OF WATER* Rep. Hiott

This bill gives a numerical designation to each body of water. In addition, it also outlines that the Saluda Lake (Pickens and Greenville Counties) means all the waters of the Saluda River and its tributaries impounded by the Saluda Dam.

EDUCATION AND PUBLIC WORKS

H.4420 *VETERAN'S DAY RECOGNIZED AS A LEGAL HOLIDAY FOR SCHOOL DISTRICTS AND PUBLIC COLLEGES AND UNIVERSITIES* Rep. Viers

This legislation requires school districts and public colleges and universities to observe Veteran's Day as a legal holiday.

H.4436 *RESTRICTIONS ON NAMING A STATE BUILDING, ROAD, HIGHWAY, INTERSTATE HIGHWAY, BRIDGE, INTERCHANGE, OR INTERSECTION* Rep. Gilliard

This legislation provides that a state building, road or any portion of a state road, highway, interstate highway, bridge, interchange, or intersection may not be named for an elected official who is not deceased.

H.4440 *RESTRICTIONS ON COMMERCIAL MOTOR VEHICLES TRAVELING ALONG A CERTAIN PORTION OF INTERSTATE HIGHWAY 26 IN CHARLESTON COUNTY* Rep. Gilliard

This legislation provides that commercial motor vehicles traveling along a certain portion of Interstate Highway 26 in Charleston County must be operated only in the farthest left lane unless they are exiting from the highway or in need of emergency services; the legislation provides a penalty for violations.

H.4441 OPERATION OF ALL-TERRAIN VEHICLES ALONG THE STATE'S HIGHWAYS Rep. Whitmire

This legislation makes provisions relating to the operation of golf carts along the state's highways also apply to the operation of all-terrain vehicles.

H.4443 LAW ENFORCEMENT VEHICLES AND SUNSCREEN DEVICES Rep. Pope

This legislation provides that law enforcement vehicles are not subject to provisions relating to sunscreen devices on motor vehicles. Currently, there is an exemption relating to sunscreen devices only for law enforcement vehicles used regularly to transport a canine trained for law enforcement purposes.

H.4448 MOPEDS Rep. Huggins

This legislation makes comprehensive revisions relating to licensing, registration and other operation requirement relating to mopeds.

H.4450 HANDICAPPED PARKING AND ISSUANCE OF SPECIAL LICENSE PLATES TO DISABLED WARTIME VETERANS Rep. Gilliard

This legislation provides free parking for handicapped persons at parking garages operated by governmental entities. Relating to the issuance of special license plates to disabled wartime veterans, this legislation decreases the disability rating a veteran must possess in order to qualify to obtain this license plate. The legislation provides that only a totally and permanently disabled veteran license plate may display a handicapped symbol and that a person who qualifies for a license plate that contains the handicapped symbol does not have to apply for a handicapped parking placard.

H.4451 PROHIBITION ON USING AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE Rep. Bowen

This legislation provides that it is unlawful for a person to use an electronic communication device while driving a motor vehicle under certain circumstances. The legislation provides various penalties for violations. Violations where no great bodily injury or death results are misdemeanors and violations which proximately cause great bodily injury or death to another person are felonies. Among other things, penalties include money for the Trauma Care Fund.

H.4452 ABOLITION OF COUNTY BOARDS OF EDUCATION Rep. Bowen

This legislation abolishes each county board of education in existence on January 1, 2013. All powers and duties of the individual county boards of education are devolved upon the boards of trustees of the local school districts of the county. The assets, liabilities, and appropriations of a county board of education must be transferred to the local school districts of the county based on the ratio that the district's average daily membership bears to the total average daily membership of all districts in the county to be used by the districts for expenses related to classroom instruction. The legislation further provides that all powers and duties of a county legislative delegation as provided by law in regard to county education matters shall continue to be exercised by the local county legislative delegation.

H.4487 DEPARTMENT OF TRANSPORTATION Rep. Pitts

This legislation provides that the Department of Transportation shall bear all costs related to relocating water and sewer lines that are maintained and operated by a public

water system or a public sewer system that are located within the right-of-way for a state transportation improvement project and that must be relocated to undertake the project or that are otherwise required by the department to relocate. The legislation also provides that nothing contained in it grants the department the authority to prevent or materially limit a public water system's utilization of property located within a state transportation improvement project's right-of-way for water and sewer construction, installation, maintenance, and operations. The legislation provides that in conjunction with new road construction, or the maintenance or reconstruction of existing roadways in the public highway system, the department may acquire additional rights-of-way to facilitate the location of utilities outside of rights-of-way currently contained in the public highway system. The legislation further provides for the manner of funding for acquisitions.

H.4496 RESTRICTIONS ON NAMING A STATE BUILDING, ROAD, HIGHWAY, INTERSTATE HIGHWAY, BRIDGE, INTERCHANGE, OR INTERSECTION Rep. Ryan

This legislation provides that a state road, highway, or interstate highway, any portion of a state road, highway, or interstate highway, or a state bridge, interchange, or intersection may not be named for a person who is not deceased and who during his life distinguished himself in the line of duty as a member of the armed services of the United States or as a state or local law enforcement official, firefighter, or emergency medical service technician.

H.4497 "CERVICAL CANCER PREVENTION ACT" Rep. Sellers

This legislation provides that beginning with the 2012-2013 school year, the Department of Health and Environmental Control shall offer as an option the cervical cancer vaccine series to female students enrolling in the seventh grade. The legislation provides that the student may only receive these vaccinations at the option of the parent or guardian of the child; the legislation further provides a procedure through which a parent or guardian may exercise the option for their child to receive these vaccinations. It requires a related education program. Implementation is contingent upon state and federal funding.

H.4517 WORLD WAR II LICENSE PLATES Rep. D. C. Moss

Relating to the issuance of World War II Veterans special license plates, this legislation provides that the license plate must include the international symbol of access for persons who qualify to be issued this license plate and a handicapped parking placard.

H.4518 DEPARTMENT OF MOTOR VEHICLES Rep. Allen

This legislation requires the Department of Motor Vehicles to assign one person to provide driver services to persons who are at least sixty-five years of age in each of its field offices.

H.4519 VEHICLE MUST DISPLAY LIGHTED LAMPS AND ILLUMINATING DEVICES AT ALL TIMES Rep. Jefferson

This legislation requires a vehicle to display lighted lamps and illuminating devices at all times except when the vehicle is parked.

H.4520 REQUIREMENTS TO RECEIVE CERTAIN SPECIAL MILITARY LICENSE PLATES Rep. Pitts

Relating to former prisoner of war vehicle registration and license plates, this legislation requires an applicant to provide certification of his prisoner of war status from the United States Veterans' Administration or Department of Defense. Relating to the special license plate for Purple Heart recipients, this legislation requires an applicant to provide certification of his receipt of the Purple Heart from the appropriate branch of the United States Armed Forces, Veterans' Administration, Department of Defense, or the Military Order of the Purple Heart.

H.4524 PROHIBITION ON SCHOOL DISTRICTS PAYING MEMBERSHIP DUES OR FEES TO CERTAIN ASSOCIATIONS OR ORGANIZATIONS
Rep. Bowen

This legislation provides that beginning July 1, 2012, a school district of this State may not pay membership dues or fees to any educational association or organization and instead is required to redirect any such funding available to classroom instruction.

H.4525 CLEMSON AND CAROLINA FOOTBALL Rep. Ballentine
This legislation requires the Division I varsity football teams of the University of South Carolina and Clemson University to annually play on a home and home basis under such terms and conditions as the respective boards of trustees may decide.

JUDICIARY

H.4419 PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR EACH COUNTY TO ELECT A PROPERTY TAX ASSESSOR Rep. Toole
This joint resolution proposes to amend the State Constitution so as to provide that there must be elected in each county a property tax assessor who shall serve for a term of four years and until his successor is elected and qualifies. The legislation further provides that the General Assembly shall by general law provide for the duties, qualifications, and compensation of county property tax assessors. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.4421 REVISIONS TO STATE ETHICS COMMISSION Rep. Ryan
This legislation takes effect upon ratification of an amendment to the State Constitution providing that supervision of ethical conduct by members of the General Assembly, including the authority to discipline members, is vested in the state agency charged by law with investigating, enforcing, and adjudicating allegations of ethical misconduct. This legislation amends the duties and powers of the State Ethics Commission so as to include the members, staff and candidates for the General Assembly within the jurisdiction of the State Ethics Commission. Relating to the composition of the State Ethics Commission, this legislation provides that one of the at-large commissioners must be recommended by the President Pro Tempore of the Senate and a second at-large commissioner must be recommended by the Speaker of the House of Representatives. Among other things the legislation eliminates the definition of "appropriate supervisory office" in certain places in the code as well as repeals certain code sections relating to the House of Representatives and Senate Ethics Committees.

H.4422 ELECTION OF COUNTY PROPERTY ASSESSORS Rep. Toole

This legislation takes effect upon ratification of an amendment to the State Constitution requiring the election of county property tax assessors. This legislation provides that a county property tax assessor must be elected for a term of four years and until his successor is elected and qualifies; the first election must be held at the time of the 2012 general election. Among other things, the legislation provides qualifications, salary requirements, and transition provisions.

H.4423 RESIDENTIAL HOME BUILDER EXEMPT FROM CERTAIN PERMIT REQUIREMENTS RELATING TO NONFERROUS METALS Rep.

Stringer

This legislation provides that a residential home builder is not required to obtain a permit to transport, purchase, or sell nonferrous metals.

H.4425 PROHIBITION ON MUNICIPALITY REQUIRING ANNEXATION AS A CONDITION PRECEDENT TO PROVIDING UTILITY SERVICE Rep. Viers

This legislation prohibits a city or town from requiring annexation of property located outside the corporate limits of the municipality in exchange for providing utility services to the property.

H.4426 RESTRICTIONS ON LOCAL ORDINANCES PERTAINING TO INDIVIDUALS OR BUSINESSES PROVIDING PROFESSIONAL TREE CUTTING AND REMOVING SERVICES Rep. Barfield

Notwithstanding another provision of law, this legislation provides that a city, county, municipality, or other local governmental entity may not enact or enforce an ordinance, policy, or regulation that prohibits individuals or businesses that provide professional tree cutting and removal services from burning collected debris in a location and manner that is consistent with state law and regulations.

H.4427 MUNICIPALITIES Rep. McCoy

Relating to prerequisites for the issuance of a corporate certificate to a proposed municipality, this legislation provides certain exceptions from the contiguity requirement. Relating to municipal annexation procedures, the legislation provides for the annexation of certain noncontiguous areas.

H.4428 REPORTING CHILD ABUSE AND NEGLECT Rep. McCoy

This legislation requires any person in this state to report suspected child abuse or neglect. The legislation also makes certain conforming changes.

H.4430 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO PUNISHMENT OF MEMBERS OF THE GENERAL ASSEMBLY Rep. Ryan

This joint resolution proposes to amend the State Constitution so as to provide that the supervision of ethical conduct by Members of the General Assembly, including the authority to discipline members, is vested in the state agency charged by law with investigating, enforcing, and adjudicating allegations of ethical misconduct. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.4431 APPOINTMENT PROCESS FOR CERTAIN ENTITIES IN GEORGETOWN COUNTY Rep. Ryan

Relating to the authorization and geographic groupings for regional councils of government, this legislation deletes the reference to the appointment process for Georgetown County. This legislation also makes revisions pertaining to the appointment process for the Waccamaw Regional Planning Council.

H.4433 STATE AGENCY AND DEPARTMENT TELEPHONE GREETING

Rep. King

This legislation provides that no state agency, department, institution, or entity may be required to use a telephone greeting of 'It's a Great Day in South Carolina' or another similar greeting connoting the advantages of or a general pleasant demeanor in this State so long as any of the following conditions apply: (1) the state's unemployment rate equals or exceeds five percent; (2) all citizens of this State do not have health insurance; (3) state school funding for grades K-12 and for higher education is not sufficient to ensure that all students are prepared for the twenty-first century; or (4) the rural infrastructure of this State is not adequate to allow rural areas to compete for new business and industry on an equal basis with urban areas of this State.

H.4437 FAMILY COURT HAS DISCRETION TO DETERMINE WHETHER A JUVENILE IS PLACED ON THE SEX OFFENDER REGISTRY

Rep. Brannon

This legislation provides the family court with the discretion to determine whether a juvenile is placed on the sex offender registry.

H.4438 DRIVING UNDER THE INFLUENCE Rep. Rutherford

Relating to a driver of a motor vehicle implied consent to be tested to determine whether alcohol or drugs are present in his breath, blood, or urine, this legislation provides that a person who is arrested for driving under the influence of alcohol or drugs must be offered the choice of taking a breath or blood test to determine the presence of alcohol or drugs in his system. The legislation further provides that a person who registers an alcohol concentration of five one-hundredths of one percent or less may not be charged with driving a motor vehicle while under the influence of alcohol or drugs.

H.4439 RETURN OF PROPERTY SEIZED BY LAW ENFORCEMENT

Rep. Rutherford

This legislation provides that any property seized by a law enforcement agency pursuant to or without a warrant must be returned to its lawful owner within thirty days of its seizure unless a court determines that probable cause exists to allow the law enforcement agency to maintain possession of the property.

H.4442 "CAYLEE'S LAW" - RELATING TO THE DEATH OR DISAPPEARANCE OF A CHILD Rep. Bingham

This legislation provides that a person who has a legal duty of care over a child who fails to notify a law enforcement agency of the death or disappearance of the child within twenty-four hours from when the person knew or should have known of the child's death or disappearance is guilty of a felony and, upon conviction, must be imprisoned not more than five years. The legislation further provides that a person who has a legal duty of care over a child who knowingly conceals the death or disappearance of the child by providing false information to a law enforcement agency with the intent to obstruct, delay, prevent, or impede the investigation of the death or disappearance of the child is

guilty of a felony and, upon conviction, must be imprisoned not more than five years. The term 'child' means a person under the age of eighteen.

H.4444 DEPARTMENT OF TRANSPORTATION Rep. Lucas

This legislation makes comprehensive revisions relating to the Department of Transportation.

H.4445 PROCEDURE TO ALLOW AN INMATE WHO IS CONFINED IN A DEPARTMENT OF CORRECTIONS' FACILITY TO ATTEND THE FUNERAL SERVICE OF CERTAIN INDIVIDUALS AND VISIT CERTAIN SERIOUSLY ILL INDIVIDUALS Rep. Allen

This legislation establishes a procedure to allow an inmate who is confined in a Department of Corrections' facility to attend the funeral service of certain individuals and visit certain individuals who become seriously ill to the point of imminent death. Relating to furloughs for qualified inmates, the legislation deletes the provision that allows an inmate to attend the funeral of certain persons.

H.4449 VIDEO RECORDING MAY END IF A PERSON REFUSES TO TAKE A BREATH TEST Rep. Lucas

Relating to incident site and breath test site video recording, this legislation provides that if a person refuses to take a breath test, then the video recording may end.

H.4454 INVOLUNTARY INTOXICATION Rep. Bowen

This legislation provides that a person may not be found guilty of a crime and is not subject to criminal liability if, at the time of the act, omission, or negligence constituting the crime, the person was under the influence of involuntary intoxication and as a direct result did not have sufficient mental capacity to distinguish between moral or legal right and wrong in relation to the act, omission, or negligence constituting the crime. The term 'involuntary intoxication' means intoxication caused by: (1) consumption of a substance through excusable ignorance; or (2) coercion, fraud, artifice, or contrivance of another person. Voluntary intoxication may not be used as a defense for an act, omission, or negligence constituting a crime.

H.4456 SCHOOL BOND ELECTIONS Rep. Bowen

This legislation requires a school bond election to be held on the date of a general election.

**H.4459 RESTRICTIONS ON SEARCH OF CELLULAR OR OTHER PORTABLE ELECTRONIC WIRELESS COMMUNICATIONS DEVICES
Rep. G. R. Smith**

This legislation provides that information contained or stored in a cellular or other portable electronic wireless communications device is not subject to a search by a law enforcement officer incident to a lawful custodial arrest except pursuant to the provisions of Section 17-13-140 providing for the issuance, execution, and return of a search warrant or pursuant to the express written consent of the person subject to the lawful custodial arrest or other lawful owner of the device.

**H.4460 “CAYLEE’S LAW” - RELATING TO THE DEATH OR
DISAPPEARANCE OF A CHILD Rep. G. R. Smith**

Relating to persons with knowledge of a death required to report to the coroner or medical examiner's office under certain circumstances, this legislation provides a felony penalty for failure to report the death. Relating to submission of missing person reports to the Missing Person Information Center, this legislation requires mandatory reporting of a missing child and provides a felony penalty for failure to report.

H.4461 NONVIOLENT BURGLARY IN THE SECOND DEGREE Rep. McCoy

Relating to the list of offenses defined as most serious and serious for purposes of two and three strikes for repeat offenders, this legislation adds nonviolent burglary in the second degree to the list of offenses delineated as a serious offense for purposes of three strikes.

H.4462 TRANSFER COURT Rep. Rutherford

Relating to the transfer of certain criminal cases from general sessions court to magistrates or municipal court, this legislation clarifies the types of cases that may be transferred includes appropriate criminal cases originally charged and those in which the charges are reduced to fall within the parameters of the statute. The legislation allows defendants to waive certain rights and deletes the requirement for approval of the chief administrative judge of the general sessions court regarding terms of court of the magistrates and municipal courts for the disposition of transferred cases.

H.4463 TRANSFER COURT Rep. Harrison

Relating to the transfer of certain criminal cases from general sessions court to magistrates or municipal court, this legislation clarifies the types of cases that may be transferred includes criminal cases originally charged and those in which the charges are reduced for purposes of a guilty plea. The legislation allows defendants to waive certain rights and requires the approval of a circuit court judge regarding terms of court of the magistrates and municipal courts for the disposition of transferred cases.

**H.4464 CREATION OF THE OFFENSE OF THREATENING OR INTIMIDATING
A PROCESS SERVER OR LICENSED PRIVATE**

INVESTIGATOR

Rep. D. C. Moss

This legislation provides that it is unlawful for a person to knowingly and willfully deliver or convey to a process server or licensed private investigator any letter or paper, writing, print, missive, document, or electronic communication or verbal or electronic communication which contains a threat to take the life of or to inflict bodily harm upon the person or members of his immediate family if the threat is directly related to the person's job responsibilities in the normal course and scope of the performance of the job. Violations are misdemeanors.

**H.4465 CONTINUING LEGAL EDUCATION REQUIREMENTS FOR
ATTORNEYS PARTICIPATING IN POST-CONVICTION RELIEF
PROCEEDINGS IN CAPITAL CASES Rep. Harrison**

This legislation exempts attorneys certified as lead counsel in death penalty cases and attorneys who have previously represented inmates sentenced to the death penalty in

post-conviction relief proceedings from certain continuing legal education requirements before they may participate in death penalty post-conviction relief procedures.

H.4466 POST-CONVICTION RELIEF PROCEDURES AND PERSONS WHO MAY INSTITUTE PROCEEDINGS Rep. Harrison

Relating to post-conviction relief procedures and persons who may institute proceedings, this legislation clarifies persons must have been convicted of, and sentenced for, a crime in addition to meeting the delineated criteria in order to institute a post-conviction relief proceeding.

H.4467 COMPOSITION OF THE JUDICIAL COUNCIL Rep. Harrison

This legislation revises the composition of the Judicial Council so as to include the Chief Judge of the Court of Appeals, the Dean of the Charleston School of Law, and two summary court judges.

H.4468 SIBLINGS AND ADOPTION Rep. Allison

Among other things, this legislation provides a rebuttable presumption for the placement of siblings together in the same adoptive home when it is in the children's best interests and when possible.

H.4469 BURGLARY IN THE SECOND DEGREE Rep. J. R. Smith

This legislation provides mandatory minimum terms of imprisonment for second offense burglary in the second degree offenses.

H.4470 "HOME INVASION AND DRIVE-BY SHOOTING ACCOUNTABILITY AND PROTECTION ACT" Rep. Gilliard

This legislation establishes the offense of home invasion in the first, second and third degrees, and it provides graduated penalties. Violations of these offenses are felonies. The legislation also creates the offense of committing a drive-by shooting and provides a penalty. Violations of this offense are also felonies. The legislation adds home invasion in the first degree and second degree and drive-by shooting to the list of violent crimes. Relating to the punishment for murder, this legislation includes as separate statutory aggravating circumstances which may be considered in the determination of whether the death penalty should be imposed, a murder committed while in the commission of the offenses of home invasion in the first degree and drive-by shooting.

H.4471 SYNTHETIC DRUGS Rep. Huggins

This legislation adds Salvia Divinorum and Salvinorin A, synthetic cannabinoids, and cathinones and substituted cathinones, commonly known as "bath salts" to the list of Schedule I drugs.

H.4473 PROHIBITION ON CERTAIN SEX OFFENDERS OBTAINING CHILD CUSTODY Rep. Limehouse

In making a decision regarding custody of a minor child, in addition to other existing factors specified by law, this legislation provides that the court must consider and may not grant custody of a minor child to a parent, guardian, or another person who is required to register as a sex offender. The legislation further provides that no child may be placed in foster care with a person who is required to register as a sex offender.

**H.4474 CRIMES INVOLVING OBSCENITY AND CHILD SEXUAL
EXPLOITATION Rep. Limehouse**

Relating to definitions for the purposes of crimes involving obscenity and child sexual exploitation, this legislation provides that the definition of the term "sexually explicit nudity" does not include material of a private, family nature not harmful to minors. Relating to first degree and second degree sexual exploitation of a minor, this legislation includes the appearance of a minor in a state of sexually explicit nudity in the purview of the offense. Relating to second degree sexual exploitation of a minor, this legislation includes the appearance of a minor in a state of sexually explicit nudity in the purview of the offense and increases the maximum penalty from ten to fifteen years. Relating to third degree sexual exploitation of a minor, the legislation includes the appearance of a minor in a state of sexually explicit nudity in the purview of the offense.

**H.4480 ELECTION OF MEMBERS OF THE AERONAUTICS COMMISSION,
THE AGRICULTURE COMMISSION OF SOUTH CAROLINA AND THE
COMMISSION OF THE DEPARTMENT OF TRANSPORTATION
Rep. Ryan**

This legislation relates to election of members of the Aeronautics Commission, the Agriculture Commission of South Carolina, and the Commission of the Department of Transportation by members of legislative delegations representing congressional districts and judicial circuits. In the case of the Agriculture Commission, this legislation provides that a quorum for the delegation meetings at which these commissioners are elected consists of a majority of the members of the delegation present rather than present by proxy. The legislation provides for public notice of the date, time, and place of the delegation meeting for the purpose of electing these commissioners must be posted at the meeting place and on the General Assembly website no later than twenty-four hours before the meeting. The legislation further provides that these meetings must be open to the public and requires an affidavit from a candidate for election to the Aeronautics Commission and the Agriculture Commission that the candidate meets the residency requirements for service on these commissions.

**H.4490 SEX OFFENDERS AND PROCEDURES FOR ADMITTANCE AS A
RESIDENT TO A FACILITY Rep. Rutherford**

This legislation provides that a facility considering the admittance of a person as a resident of the facility shall determine whether the person is a registered sex offender by following certain procedures. If the facility determines the person is a registered sex offender, it must provide certain notice to the other residents of the facility or, if applicable, their legal guardians. Failure to comply with either of these requirements constitutes a knowing and willful neglect of the safety of the vulnerable adults residing in the facility.

H.4494 PURCHASE OF RIFLES OR SHOTGUNS Rep. Huggins

This legislation removes a requirement that the purchase of rifles or shotguns be made from a contiguous state.

**H.4495 DRUG-RELATED OFFENSES EXCLUDED FROM THE DEFINITION
OF THE TERM "NO PAROLE OFFENSE" Rep. Rutherford**

Relating to the definition of the term "no parole offense", this legislation provides that the definition excludes all drug-related offenses.

H.4498 PRESERVATION OF CERTAIN ELECTION COMMUNICATIONS OF PUBLIC OFFICIALS Rep. Butler Garrick

This legislation requires the preservation of certain electronic communications of public officials that constitute public records for a period of five years after creation. It provides a penalty for violations.

H.4502 "HONORING HISTORY BY PRESERVING PUBLIC OFFICIALS' CORRESPONDENCE ACT" Rep. Cobb-Hunter

This legislation prohibits public officials from the intentional deletion of certain electronic communications that constitute public records and provides a penalty for violations. The legislation also repeals Section 30-1-110, relating to the discretionary destruction of public records.

H.4508 NOTICE OF MEETINGS OF POLITICAL SUBDIVISIONS Rep. Huggins

Relating to a political subdivision adopting a budget, this legislation requires the political subdivision to give notice in additional ways, including posting the notice at the principal office of the public body holding the hearing, or if no such office exists, at the building in which the hearing is to be held and sending electronic communications or making telephone calls to registered voters. Relating to notice of meetings under the Freedom of Information Act, this legislation provides that political subdivisions must give notice of their meetings in additional ways, including sending electronic communications and making telephone calls to registered voters. The legislation further provides that notice must be given at least twenty-four hours before the meeting or by 4:00 p.m. on the day before the meeting, whichever is earlier.

H.4510 MUNICIPAL COURT MUST UTILIZE THE SETOFF DEBT COLLECTION ACT ON CERTAIN DEBTS DUE Rep. Herbkersman

This legislation provides that a municipal court must utilize the Setoff Debt Collection Act on debts due and owing for over a year. If setoff is not successful in the first taxable year, the Department of Revenue (DOR) shall notify the appropriate circuit solicitor to attempt to collect the debt. The legislation provides administrative fees associated with the setoff and provides that DOR must keep a digital record of debts submitted for setoff by a municipal court.

H.4513 ADULT PROTECTION COORDINATING COUNCIL Rep. Harrison

Relating to the membership of the Adult Protection Coordinating Council under the auspices of the South Carolina Department of Health and Human Services, this legislation revises the membership and makes technical corrections. This legislation also revises the duties of the council and adds the requirement that the council annually prepare and distribute to the membership and the members of the General Assembly a report of the council's activities and accomplishments for the calendar year.

H.4514 NOMINATION OF QUALIFIED CANDIDATES BY THE JUDICIAL MERIT SELECTION COMMISSION TO THE GENERAL ASSEMBLY
Rep. Young

Relating to the nomination of qualified candidates by the Judicial Merit Selection Commission to the General Assembly, this legislation provides that the names of each qualified candidate must be submitted to the General Assembly rather than the names of the three candidates the commission deems best qualified.

H.4515 SYNTHETIC DRUGS Rep. Spires

This legislation adds synthetic cannabinoids and cathinones and substituted cathinones, commonly known as "bath salts", to the list of Schedule I drugs.

H.4516 INVESTIGATION OF ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS IN CERTAIN FACILITIES OPERATED BY THE STATE Rep. Harrison

This legislation provides that noncriminal reports of abuse, neglect, and exploitation of persons committed to the Department of Mental Health pursuant to the Sexually Violent Predator Act must be referred by the State Law Enforcement Division to the Client Advocacy Program of the Department of Mental Health for investigation.

H.4521 SUSPENSION OF CERTAIN PUBLIC OFFICIALS BY THE GOVERNOR Rep. Ryan

This legislation takes effect upon ratification of an amendment to the State Constitution authorizing the Governor to suspend public officials or public members of the State or its political subdivisions who owe certain unpaid, delinquent fines to the State Ethics Commission. This legislation provides that the Governor may suspend a public official, or public member of the state or one of its political subdivisions, except officials and members of the legislative and judicial branches, who owes unpaid fines to the State Ethics Commission that total \$1,000 or more and that have been delinquent for at least 365 consecutive days.

H.4522 PENALTIES FOR LATE FILING OR FAILING TO FILE A REPORT OR STATEMENT WITH THE STATE ETHICS COMMISSION Rep. Jefferson

Relating to the penalties for late filing or failing to file a report or statement with the State Ethics Commission, this legislation exempts certain appointed, part-time noncompensated public members from late filing penalties.

H.4523 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE SUSPENSION OF CERTAIN PUBLIC OFFICIALS BY THE GOVERNOR Rep. Ryan

This joint resolution proposes to amend the State Constitution so as to provide that the Governor may suspend a public official, or public member of the State or one of its political subdivisions who owes unpaid fines to the State Ethics Commission which total \$1,000 or more and which have been delinquent for at least 365 consecutive days. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

LABOR, COMMERCE AND INDUSTRY

H.4424 PROPOSED CONSTITUTIONAL AMENDMENT ON HEALTH CARE RIGHTS Rep. Viers

This joint resolution proposes to amend the South Carolina Constitution by expanding its declaration of rights to include a new provision to preempt any federal law or rule that restricts a person's choice of private health care providers or the right to pay for medical services.

H.4435 PROHIBITION ON DEBIT CARD TRANSACTION FEES Rep. Gilliard

This bill provides that a bank or financial institution doing business in this State, whose charges or fees are not regulated solely by federal law, may not charge a fee for a transaction in this State where a customer uses a debit card issued by it to make a consumer purchase.

H.4446 IMPOUNDMENT OF MOTOR VEHICLE FOR FAILURE TO MAINTAIN PROOF OF INSURANCE Rep. Corbin

This bill provides that a person who fails to maintain proof of automobile insurance in his vehicle is subject to having his vehicle impounded. The owner of the vehicle must be fined three hundred fifty dollars, is responsible for any fees incurred as a result of the towing and storage of the vehicle, and must provide proof of insurance before the vehicle may be retrieved. A vehicle that is not retrieved within ninety days is to be disposed of as abandoned property.

H.4457 PIONEER RURAL WATER DISTRICT BOARD OF DIRECTORS Rep. Bowen

This bill revises the appointment of the board of directors for the Pioneer Rural Water District of Oconee and Anderson Counties by establishing new provisions to ensure that persons recommended to the Governor for appointment to the board shall come from separate and distinct portions of the overall service area of the district.

H.4477 PROPOSED CONSTITUTIONAL AMENDMENT ESTABLISHING HEALTH CARE RIGHTS Rep. Pitts

This joint resolution proposes an amendment to the South Carolina Constitution's declaration of rights, so as to add new provisions preserving the freedom of South Carolinians with respect to the providing of health care services. The new provisions: prohibit any law, regulation, or rule to compel an individual, employer, or health care provider to participate in a health care system; allow individuals and employers to pay directly for lawful health care services without penalties or fines for these direct payments; and specify that the purchase or sale of health insurance in private health care systems must not be prohibited by law, regulation, or rule.

H.4488 DRUG SCREENING REQUIRED TO MAINTAIN ELIGIBILITY FOR UNEMPLOYMENT BENEFITS Rep. Viers

This bill establishes requirements for unemployed insured workers to participate in a drug screening program to maintain eligibility for unemployment benefits.

H.4489 ELECTION OF WORKERS' COMPENSATION COMMISSIONERS BY THE GENERAL ASSEMBLY Rep. Rutherford

This bill revises the provisions for selecting the membership of the Workers' Compensation Commission by eliminating the current process by which the Governor appoints commissioners with the advice and consent of the Senate and providing, instead, that Workers' Compensation Commissioners must be elected by the General Assembly in the same manner as circuit court judges.

H.4491 ALARM BUSINESS REQUIRED TO VERIFY BURGLAR ALARM

SIGNALS Rep. Pope

This bill establishes requirements for an alarm business to employ a means of verifying the authenticity of the burglar alarm signals it receives in order to avoid an unnecessary response from law enforcement, except when concerning a: (1) panic alarm; (2) robbery-in-progress alarm; or (3) situation in which a signaled crime-in-progress is verified as authentic by video and/or audio means, in which case the alarm business shall immediately refer the matter to the local 911 service.

H.4492 SALVAGING TREES SUBMERGED IN PUBLIC SERVICE AUTHORITY LAKES Rep. Limehouse

This bill establishes requirements for the Public Service Authority to contract with and issue permits to private parties for the party to salvage and sell trees submerged in Lake Marion, Lake Moultrie, and other lakes constructed by the authority.

H.4493 EMPLOYER REQUIREMENTS FOR POSTING RIGHT TO WORK NOTIFICATIONS Rep. Limehouse

This bill provides that an employer required by the National Labor Relations Board to post notice regarding an employee's rights relating to unionization under the National Relations Labor Act also shall post notice regarding the right to remain unaffiliated with a union and certain other related employee rights.

H.4500 "SOUTH CAROLINA CHARITABLE INVESTMENT RECOVERY ACT OF 2012" Rep. Herbkersman

This bill enacts the "South Carolina Charitable Investment Recovery Act of 2012" to support the social structure of this State through private capital by encouraging charitably inclined donors to invest in and redirect private retirement capital to bona fide charities resulting in continuity of services for local communities, job creation, and economic activity. The legislation exempts certain loans to charities from retirement accounts from reporting requirements related to the solicitation of charitable funds. The legislation establishes conditions under which a bona fide charity or not-for-profit corporation may have an insurable interest in the life of an insured. The legislation revises provisions relating to a known claim against a dissolved corporation, so as to provide conditions under which a claim for a life insurance policy owned by a charity may not be barred. The legislation revises the definition of an investment contract under the South Carolina Uniform Securities Act of 2005.

H.4504 LIFE INSURANCE COMPANIES REQUIRED TO PROVIDE FUNERAL DIRECTORS INFORMATION ABOUT A DECEASED INSURED'S POLICY Rep. Butler Garrick

This bill establishes requirements for a life insurance company to provide, upon request, certain information about a deceased insured's life insurance to a funeral director or an employee of a funeral director.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4499 STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT Rep. J. R. Smith

The bill adds that a community residential care facility or assisted living facility shall maintain general liability insurance coverage of at least one million dollars on the facility at all times. The department will not grant or renew licenses until proof of liability insurance is provided. In addition, the bill modifies the definition of community residential care facility as the same as assisted living facility.

H.4503 SOUTH CAROLINA SANITARY RESTAURANT PLAY AREA STUDY
Rep. Garrick

This bill establishes the South Carolina Sanitary Restaurant Play Area Study Committee to study the restaurant play areas in the state and to recommend legislation related to the regulation of cleanliness of these play areas. The bill outlines committee membership. The study committee must complete and render a written public report detailing its findings and recommendations to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives by January 31, 2013, at which time the study committee must be dissolved.

WAYS AND MEANS

H.4429 LIFE CYCLE COST ANALYSIS REQUIREMENTS FOR PUBLIC WORKS

CONSTRUCTION PROJECTS Rep. Ballentine

This bill requires chief procurement officers of governmental bodies to undertake life cycle cost analysis for all public works construction projects that are expected to cost more than one million dollars. The legislation also includes provisions authorizing alternate infrastructure-type bidding procedures for public works construction projects. The legislation specifies that alternate infrastructure-type bidding is a process under which the governmental body determines, from engineering and economic analysis, that two or more initial project designs utilizing different construction materials and methods and their forecasted performance and life-cycle costs are comparable or similar enough to warrant solicitation of bids on more than one design for a project.

H.4432 "SOUTH CAROLINA ECONOMIC INCENTIVE TRANSPARENCY ACT OF 2012" Rep. Viers

This bill enacts the "South Carolina Economic Incentive Transparency Act of 2012" to establish new requirements and procedures governing incentives offered to encourage a business enterprise to locate or expand in this state. The act requires legislation providing such economic incentives to be introduced as a separate bill. The legislation provides that incentives are to be granted as forgivable loans and establishes conditions that must be met for the loans to be forgiven. The legislation establishes requirements for incentive applications and requires the Board of Economic Advisors and Department of Commerce to conduct analyses and reviews of these incentives.

H.4453 TEACHER AND EMPLOYEE RETENTION INCENTIVE (TERI) PROGRAM DISCONTINUED Rep. Bowen

This bill provides that the Teacher and Employee Retention Incentive (TERI) Program is closed to new participants effective July 1, 2012. Effective July 1, 2017, TERI program

provisions are repealed for all purposes except the distribution of program accounts existing on that date.

H.4455 REAL PROPERTY TRANSFER FOR ZERO OR MINIMAL MONETARY CONSIDERATION NOT TO BE CONSIDERED AN ASSESSABLE TRANSFER OF INTEREST Rep. Bowen

This bill provides that a transfer of real property for zero or a de minimis monetary consideration is not to be considered an assessable transfer of interest in determining the parcel's value for property tax purposes.

H.4458 DRUG TESTING REQUIREMENTS FOR RECEIPT OF PUBLIC ASSISTANCE Rep. Viers

This bill establishes requirements for applicants for Medicaid, Temporary Assistance for Needy Families, and Food Stamps benefits to undergo a drug test as a condition of eligibility to receive these benefits. Under the legislation, an individual who tests positive for a controlled substance is ineligible to receive these benefits for one year unless the person successfully completes a substance abuse treatment program.

H.4476 MOTOR VEHICLE PROPERTY TAX EXEMPTION FOR DISABLED VETERANS Rep. Gilliard

This bill establishes a property tax exemption for one private passenger motor vehicle owned or leased by a disabled veteran with a service connected disability rating by the Veterans Administration of at least seventy percent but less than one hundred percent if the veteran has a certificate signed by the county veterans service officer or by the Veterans Administration attesting to the veteran's eligibility for this exemption.

H.4478 GENERAL FUND APPROPRIATION LIMITS Rep. Viers

This bill provides that the limit on general fund appropriations for a fiscal year is the total amount of the general fund revenue estimate as of February fifteenth for fiscal year 2011-2012, increased annually and cumulatively by the lesser of six percent or a percentage determined by population increases and increases in the consumer price index and reductions for nonrecurring revenues. The legislation provide for the limitation to be suspended for a fiscal year for a specific amount upon a special vote of the General Assembly. The legislation establishes the Income Tax Rebate Fund, to which all surplus general fund revenues must be credited, and provides for the priority uses of the revenues of this fund, including an income tax rebate to taxpayers. Appropriation of revenues of this fund must be by a joint resolution originating in the House of Representatives.

H.4479 TEACHER AND EMPLOYEE RETENTION INCENTIVE (TERI) PROGRAM DISCONTINUED Rep. D. C. Moss

This bill closes the Teacher and Employee Retention Incentive (TERI) Program to new participants. Five years after closing the program to new participants, TERI Program provisions are repealed for all purposes except the distribution of program accounts existing on that date.

H.4481 GENERAL ASSEMBLY RETIREMENT SYSTEM CLOSED TO NEW MEMBERS Rep. Ryan

This bill closes the retirement system for members of the South Carolina General Assembly to nonmembers elected to the General Assembly after June 30, 2012. The legislation provides that members elected to the General Assembly after June 30, 2012, are eligible to be enrolled in the State Optional Retirement Program. The legislation provides for the continued operation of the General Assembly Retirement System for active and retired members of that system as of June 30, 2012, and for the beneficiaries of deceased members of that system. The legislation defines “compensation” for members of the General Assembly participating in the State Optional Retirement Program, and provides that members of the General Assembly participating in the State Optional Retirement Program are ineligible to elect to transfer to the South Carolina Retirement System.

H.4483 *PROPERTY TAX EXEMPTION FOR THE DWELLING OF A PERSON WITH DEMENTIA* Rep. Ballentine

This bill establishes a property tax exemption for the dwelling house and a lot not to exceed one acre of land owned by a person with dementia, so long as the person with dementia resides and is domiciled there.

H.4484 *CLAIMING THE OWNER-OCCUPIED PROPERTY TAX ASSESSMENT RATIO ON A SECOND RESIDENCE THAT IS A VACANT HOME UP FOR SALE* Rep. Ballentine

This bill establishes provisions that allow a taxpayer to claim the four percent property tax assessment ratio for two residential properties located in the state so long as the taxpayer is attempting to sell the first acquired residence and this residence that is for sale remains vacant and unused.

H.4485 *“HURRICANE PREPAREDNESS WEEKEND” SALES TAX EXEMPTIONS* Rep. McCoy

This bill establishes an annual “Hurricane Preparedness Weekend” beginning 12:01 a.m. on the last Friday in May and ending at twelve midnight the following Sunday during which time a sales tax exemption is provided for weather band radios, batteries, flashlights, nonelectric food storage coolers, tarpaulins, storm shutters, and other specified hurricane preparedness items.

H.4486 *FEDERAL FUNDS* Rep. Barfield

This bill requires that by October thirty-first of each year, each state agency shall submit a report detailing its federal receipts and developing a plan should its federal receipts be reduced. The legislation requires that by February fifteenth of each year, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee must place the most recently received report on the agenda for review and consideration. The legislation creates the Political Subdivision Federal Funds Study Committee to study the effect of federal funds on political subdivisions and report its findings to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by February 15, 2013, at which time the committee is dissolved.

H.4501 *MEDICAID AND THE CHILDREN’S HEALTH PROGRAM INTEGRITY IMPROVEMENT* Rep. Sellers

This bill requires certain waste, fraud, and abuse detection, prevention, and recovery solutions concerning Medicaid and children’s health programs in this state.

H.4505 *LEGISLATORS NO LONGER ALLOWED TO RECEIVE A GENERAL ASSEMBLY RETIREMENT SYSTEM BENEFIT WHILE CONTINUING TO*

***SERVE IN THE GENERAL ASSEMBLY* Rep. Butler Garrick**

This bill makes revisions to the South Carolina General Assembly Retirement System (GARS) by prospectively eliminating provisions that allow members of the General Assembly who meet certain age or credited service requirements to receive a GARS retirement benefit while continuing to serve in the General Assembly.

H.4506 *ELIMINATION OF SALES TAX EXEMPTIONS* Rep. Butler Garrick

This bill eliminates the state's sales tax exemptions, retaining only the exemptions allowed for tangible personal property sold to the federal government and for tangible personal property or receipts of any business which the State is prohibited from taxing by the Constitution or laws of the United States of America or by the Constitution or laws of this state. The legislation establishes requirements for the General Assembly to appropriate each year the excess sales tax revenue derived from the elimination of the exemptions to certain agencies for specified purposes.

H.4507 *GASOLINE TAX REDUCTION* Rep. Sellers

This bill reduces the sixteen cents a gallon motor fuels user fee and road tax on motor carriers by ten percent to 14.4 cents a gallon effective July 1, 2012.

H.4509 *CHARITABLE AGENCY CONTRIBUTION FUND* Rep. Lowe

This bill creates the Charitable Agency Contribution and authorizes a taxpayer to make an irrevocable contribution to the fund and specify the state agency for which the contribution is designated.

H.4511 *NET CAPITAL GAINS FROM REAL ESTATE TRANSACTIONS DEDUCTED FROM STATE INCOME TAX* Rep. Stavrinakis

This bill allows a one hundred percent state income tax deduction of a net capital gain recognized in this state if the net capital gain results from a real estate transaction.

H.4512 *"SOUTH CAROLINA JOBS ACT OF 2012"* Rep. Stavrinakis

This bill enacts the "South Carolina Jobs Act of 2012". The legislation establishes the South Carolina Employment Tax Credit, whereby an employer receives a one hundred dollar credit against contributions to the Unemployment Trust Fund for hiring qualifying unemployed individuals, and to provide that the credit may be claimed for each hired individual for up to four calendar quarters. The legislation establishes the South Carolina Reemployment Jobs Program to provide an individual with on-site workplace training while continuing to receive unemployment benefits. The legislation establishes a one-time Unemployment Tax Amnesty Program whereby an employer may pay delinquent unemployment taxes and interest without penalty or criminal prosecution. The legislation establishes the South Carolina Quick Start Job Creation Program, to be administered by the State Board for Technical and Comprehensive Education with support provided by the Department of Commerce, to serve as a supplemental program for providing special quick start training to meet the employment training needs of new and expanding industry as well as certain existing industries.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "*Publications*," then click on "*Legislative Updates*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "TRACK LEGISLATION" (ON VERTICAL MENU BAR).